

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

S.E.– Aided – Kurnool District – Order of Hon'ble High Court dt.10.02.2011 in WP No.21755/2005 filed by Smt.G.Sakunthala, Telugu Pandit Grade-I, Sri Vivekananda Gurukula Vidyalaya High School, Mahanandi – Admission of one post of Telugu Pandit Grade-I into Grant-in-Aid subject to outcome of Writ Appeal – Orders – Issued.

EDUCATION (SE.PS.I) DEPARTMENT

G.O.Ms. No. 8,

Dated:: 19.01.2012.

Read the following:

1. From the Hon'ble High Court, Order dt.10.02.2011 in WP No.21755/2005 filed by Smt.G.Sakunthala, Telugu Pandit Grade-I, Sri Vivekananda Gurukula Vidyalaya High School, Mahanandi, Kurnool Dist.
2. Contempt Case No.1089/2011 in WP No.21755/2005 filed by Smt. G.Sakunthala.
3. From the C&DSE, Lr.Rc.No789/B4-2/2011, dt.27.12.2011.
4. Writ Appeal S.R.No.6475/2012 filed against the orders of Hon'ble H.C., dt.10.02.2011 in WP No.21755/2005.

ORDER:

In the order dt.10.02.2011, the Hon'ble High Court allowed the Writ Petition No.21755/2005 filed by Smt.G.Sakunthala, Telugu Pandit Grade-I, Sri Vivekananda Gurukula Vidyalaya High School, Mahanandi, Kurnool District and the operative portion of the order is as follows :

In the instant case, admittedly, two colleagues of the petitioners were admitted to grant-in-aid, who are similarly situated and, therefore, it goes without saying that the Government is not entitled to discriminate the case of D.Musal Reddy and Kasi Reddy with that of the petitioner, whose cases were considered by issuing GOMs. No. 144 School Education (PS.I) Department dated 1.10.2004, admitting their posts to grant-in-aid. Therefore, I am of the opinion that as the petitioner is qualified to hold the post of Telugu Pandit and her appointment was also approved and ratified and the said post was also recommended for admission into grant-in-aid as long back as on 28.10.1994 by the High Level Committee and such posts in various similarly situated schools were admitted to grant-in-aid, it cannot be said that the petitioner is not entitled for admission to grant-in-aid. Accordingly, the impugned order in so far as it rejects the case of the petitioner from being admitted to grant-in-aid, is set aside and the writ petition is allowed directing the respondents to reconsider the case of the petitioner on par with the case of D.Musal Reddy and P.Kasi Reddy, conferring similar benefits as was done under GO Ms. No. 144 School Education (PS.I) Department dated 1.10.2004 and pass appropriate orders in accordance with law.

Consequently, the writ petition is allowed, as stated above. No order as to costs.

2. Smt.G.Sakunthala has filed Contempt Case No.1089/2011 in WP No.21755/2005.

3. In the reference 3rd read above, the C&DSE has submitted proposals to issue necessary orders in the matter at the earliest, pursuant of the orders of the Hon'ble High Court dated.10.02.2011, subject to review/writ appeal.

4. After careful examination of the matter, Government have decided to admit the post into Grant-in-Aid, implementing the orders of Hon'ble High Court, subject to outcome of Writ Appeal and accordingly, the **post of Telugu Pandit Grade-I**, held by Smt.**G.Sakunthala**, Sri Vivekananda Gurukula Vidyalaya High School, Mahanandi, Kurnool Dist., is hereby **admitted into Grant-in-Aid**, w.e.f. the date of recommendation of High Level Committee dt.28.10.1994, **subject to outcome of Writ Appeal** 4th read above and also subject to the following conditions :

- (1) The Management of the School shall fulfill all the conditions laid down in Act 22 of 1988 / Rules / orders in the matter from time to time

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- (2) The Grant-in-Aid sanctioned is subject to pre-audit of the claims by the Auditors of the Department of School Education, Hyd., with reference to norms, work-load and other conditions prescribed and subject to obtaining written undertaking from the management that they will refund any amount paid in excess of the eligibility.
- (3) The Commissioner & Director of School Education, Hyderabad, shall obtain and submit the utilization certificates from the concerned that the Grant-in-Aid sanctioned to them is utilized for the same purpose and submit the same to the Accountant General, A.P., Hyd., under intimation to the Government.
- (4) The Commissioner & Director of School Education, Hyderabad, shall not release grant-in-aid if no person is appointed and approved the post by the competent authority.
- (5) The School must have been established after 1.4.1977 and in existence as on 1.9.1985.
- (6) There shall be sufficient workload in terms of the number of periods allotted to different subjects.
- (7) The endowment fund prescribed should have been created
- (8) There should be no complaints against the management
- (9) The School shall enjoy upto date recognition.
- (10) There shall be sufficient strength in each class as per the norms prescribed
- (11) Though the post is admitted to Grant-in-Aid, the D.E.O., should release funds only when the qualified person hold the post and the appointment approved by the competent authority as per rules in vogue.
- (12) Such of the post which are kept vacant by the Management for the last five years shall not be eligible for admission to Grant-in-Aid.
- (13) Additional Sections/Posts in the school, which were admitted to Grant-in-Aid prior to 1.4.1977 originally, shall alone be eligible for Grant-in-Aid. Such creation of Additional sections should have approved by the competent authority.
- (14) The teacher pupil ratio shall be in accordance with rules.

5. The Commissioner & Director of School Education, Hyderabad, shall take necessary action accordingly in the matter.

6. This order issues with the concurrence of Finance (ESE) Department, vide their U.O.No.634/35/ESE/2012, dt.18.01.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
PRL.SECRETARY TO GOVERNMENT (SE)

To

The Commissioner & Director of School Education, Hyderabad.

Copy to :

The Regional Joint Director of School Education, Kadapa.

The District Educational Officer, Kurnool.

The Director of Treasuries & Accounts, Hyderabad.

The District Treasury Officer, Kurnool.

The Addl. Advocate General, High Court, Hyderabad.

The individual through C&DSE, Hyderabad.

The Correspondent, Sri Vivekananda Gurukula Vidyalaya High School, Mahanandi, Kurnool.

The Finance (ESE) Department.

SF/SCs

// FORWARDED :: BY ORDER//

SECTION OFFICER